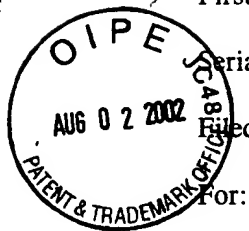


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9
8/21/02



First Named Applicant: Cha

Serial No.: 09/512,949

Filed: February 25, 2000

For: INDEXING SYSTEM AND METHOD FOR
NEAREST NEIGHBOR SEARCHES IN HIGH
DIMENSIONAL DATA SPACES

Art Unit: 2177

Examiner: Pannala

AM9-99-0217

July 26, 2002

750 B STREET, Suite 3120
San Diego, CA 92101

\$ DAC \$

TRANSMITTAL FOR PETITION TO THE COMMISSIONER

Commissioner of Patents and Trademarks
Washington, DC 20231

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AUG 21 2002

Dear Sir:

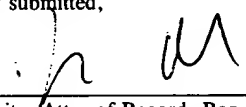
Technology Center 2100

In connection with the examiner's objections to the drawings, specification, and declaration in the Office Action dated June 14, 2002, enclosed are the following:

- (1) A Petition in 3 pages;
- (2) An acknowledgment postcard.

The Commissioner is hereby authorized to charge \$130 to Deposit Account 09-0441 for fees required under 37 CFR 1.182.

Respectfully submitted,


John L. Rogitz, Atty. of Record, Reg. No. 33,549
750 "B" Street, Suite 3120, San Diego, CA 92101
Telephone: (619) 338-8075

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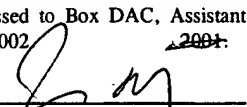
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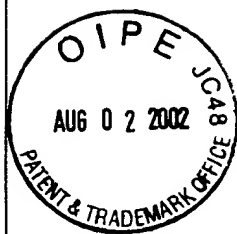
OFFICE OF PETITIONS

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class Mail, postage fully prepaid, under 37 CFR 1.8, addressed to Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231 on JULY 26, 2002.

Date Signed: JULY 26, 2002


JOHN L. ROGITZ, Attorney of Record
Registration No. 33,549



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First Named Applicant: Cha

Serial No.: 09/512,949

Filed: February 25, 2000

For: INDEXING SYSTEM AND METHOD FOR
NEAREST NEIGHBOR SEARCHES IN HIGH
DIMENSIONAL DATA SPACES

Art Unit: 2177 AUG 21 2002

Examiner: Pamela Technology Center 2100

AM9-99-0217

June 25, 2002
750 B STREET, Suite 3120
San Diego, CA 92101

PETITION TO THE COMMISSIONER

Commissioner of Patents and Trademarks
Washington, DC 20231

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OFFICE OF PETITIONS

Dear Sir:

This is a petition from the examiner's objections to the drawings, specification, and declaration.

The declaration has been objected to because "a non-initialed alteration is seen". Evidently the examiner is referring to the added words to the title of inventor Chung's institute, and the handwritten addition of the words "Republic of Korea" to his address. No handwritten deletions were made.

What is required is that no alterations to the declaration occur after it is signed, MPEP §602.01. There is no requirement in the MPEP that when an inventor corrects his address as listed on the declaration by adding words to the title of his institution and writing in the name of his country, he also initial it. In the present declaration the inventor signed the declaration and no alterations were made afterward, as required by the MPEP. Objecting to the declaration simply because the inventor wrote in additional address information without initialing it is exalting form over substance and in any case is without any regulatory

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basis of support. Initialling something indicates only one thing - that it has been initialed - but not whether the initialing occurred before or after the signature was placed on the page. For this common sense reason, there does not appear to be any regulatory basis for requiring an initial. Absent any regulatory basis for support, the objection should be overruled.

The drawings have been objected to for failing to show "necessary" text or labels in Figures 3-7 (Applicant believes the examiner means only Figures 3, 4, 6, and 7). These figures show mathematical coordinate systems. Unlike flow charts and block diagrams, they do not lend themselves to labelling, which would tend to interfere with the geometric concepts being illustrated.

Moreover, in paragraph #3 of the Office Action the drawings have been objected to for having "defects" that, in the case of alleged defect 3(a), has been poorly articulated and consequently is incomprehensible. In alleged defect 3(b) (failing to label items 28 and 38), item 28 is simply a geometric cube and item 38 is a circle as shown. It is not clear what is gained by labelling a cube "cube" and a circle "circle", other than redundant and over-busy drawings. In alleged defect 3(c), the examiner wants various variables already defined in the specification to be labelled. It is common practice in math-intensive applications to show mathematical coordinate systems and variables using representative symbols, without writing out in the drawings the definition of each and every variable that is already present in the specification. In the alleged defect of paragraph #4, issue is taken with the flow chart that shows block 30 as a "DO" loop without a "standard symbol" being used. The flow chart clearly conveys, without extraneous lines and loops, that ensuing blocks 32 and 34 are executed for each element of the "DO" loop entered into at block 30. The examiner also asks, "what is Pi?" Page 7, line 19, answers this question. It simply is not necessary to rewrite the specification into the accompanying drawings.

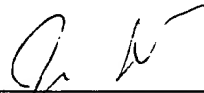
CASE NO.: AM9-99-0217
Serial No.: 09/512,949
June 25, 2002
Page 3

PATENT
Filed: February 25, 2000

It is further noted that the objections have been made under 37 C.F.R. §1.84(n) and (o), which is cast in permissive, not mandatory, language. Accordingly, this section of the CFR is advisory, but in any case, Applicant believes that the spirit of its provisions have been complied with throughout the drawings. The objections to the drawings should be overruled.

The specification has been objected to because "there is no provision in 37 C.F.R. §1.71 for law interpretations of claim analysis in the detailed specification on pages 12-13." First, such "law interpretation" sections are ubiquitous at the end of patent specifications. Second, simply because an alleged "law interpretation" is not affirmatively countenanced by the Rules does not mean patent applicants can't include it. If something isn't explicitly proscribed, it is permissible to use it. Since this objection is without any regulatory basis, it should be overruled.

Respectfully submitted,



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JLR:jg

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